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SERVICE DATE - OCTOBER 25, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-854X

ALLEGHENY & EASTERN RAILROAD, INC.–ABANDONMENT EXEMPTION–IN ELK
AND CAMERON COUNTIES, PA

Decided: October 22, 2004

Allegheny & Eastern Railroad, Inc. (A&E), filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon an 18.9-mile line of railroad extending between milepost 131, near St. Marys, in Elk County, and milepost 149.9, southeast of Emporium, in Cameron County, PA. Notice of the exemption was served and published in the Federal Register on September 30, 2003 (68 FR 56377-78). By decision and notice of interim trail use or abandonment (NITU) served October 30, 2004, the proceeding was reopened and the County of Cameron (Cameron County), in cooperation with the County of Elk (Elk County), was granted a 180-day period to negotiate an interim trail use/rail banking agreement with A&E for the described line, under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). At the request of Cameron County and Elk County, the negotiating period was extended by decisions served on April 12, 2004, and July 22, 2004. The latest extension is scheduled to expire on October 25, 2004.

On October 12, 2004, and October 18, 2004, Cameron County and Elk County, respectively, filed requests to extend the NITU negotiating period for an additional 180 days, because they are unable to complete negotiations by October 25, 2004. In a response received on October 20, 2004, A&E concurs in the request to extend the negotiating period.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended. An extension of the negotiating period will promote the establishment of trail use and rail banking consistent with the Trails Act.¹ Accordingly, the NITU negotiating period will be extended for an additional 180 days from October 25, 2004 (until April 23, 2005).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ See Rail Abandonments–Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).

It is ordered:

1. The requests to extend the NITU negotiating period are granted and the negotiating period is extended for an additional 180 days (until April 23, 2005).
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary